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*ALL Day*

*MFR*

OLC 78-2187/1  
9 August 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting With FBI Representatives

1. This morning I met with John Giaquinto, with whom I have been in touch periodically, and two others of the Bureau's Congressional liason group. I had asked for a meeting to discuss any mutual problems that we might face in the public hearings.

2. I outlined the sort of problems we might face if the HSCA decides to treat the Mexico City and Nosenko issues in detail. I noted that we had no basis for opposing testimony on our treatment of Nosenko, but that we did have grounds for opposing the sensitive information his case involved. The Mexico City story was almost entirely a sources-and-methods problem, which could present major problems.

3. I stated that we had been attempting to engage the HSCA staff in a dialogue concerning the hearings, without success to date, and that an approach is now being made to the Committee members. I asked if they had any understanding or if they had any discussions on the handling of material in those areas that are sensitive to them.

4. The Bureau has dealt with the HSCA differently than we. All information passed has been sanitized, the names of informants being removed. As a result there are few areas in which the Bureau feels exposed, so far as sensitivity of information is concerned. While they may be criticized, they have protected their sources. There is one area of sensitivity -- not described -- about which there is some concern, and they may approach the Chairman about it, but to date they have not done so.

5. I pointed out that the HSCA investigators had covered a lot of ground, and that there may be some surprises in what they have to introduce as evidence. Some issues affecting Agency operations may come out of

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Exempt from general
declassification schedule of E.O. 11652
exemption schedule 5B (1), (2), (3)
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this, and we feel we must learn of it, if so, and get in a position to face it in advance. I knew that the HSCA staff, in its own mind, differentiated between what we gave them and what they then picked up on their own as follow-on inquiries. Not knowing what such inquiries may have led them to independently, after our original help, we have some concern that some of this sensitive subject matter may be treated as non-CIA, although we feel a proprietary interest in it.

6. In preparation for the HSCA hearings next week, 14-18 August, the HSCA had provided the Bureau with a package of paper no more than an inch thick, stating that this represented the materials affecting the Bureau. The package is quite manageable in size, but the Bureau does not know if other matter of interest to it will be involved, noting that a week's testimony must require more back-up than that. They noted that the package was received on 8 August, and wondered if the same lead time would apply to the longer hearings now scheduled for November, when much larger packages probably will be involved. They are in a wait-and-see mode at present.

7. The Bureau has only an oral agreement on review of the final report, and they expressed interest in copies of our agreements. They do have an agreement on handling of material provided by the Bureau, in general, which they seem to feel protects them on the final report. They obviously did not have any formula for resolving any disagreements that may arise.

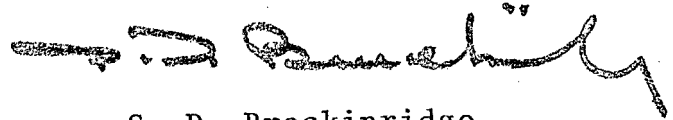
8. We agreed that we are at present in uncharted waters with this Committee, and that it is to our mutual advantage to maintain an informal contact as things develop. I agreed to provide them with copies of our two MOUs, for private consumption.

9. Essentially, this confirmed what we already knew, to the effect that the FBI had confined some of the potential damage by sanitization of everything provided the HSCA staff. While they lack some of the formal agreements that we have with HSCA, the significance is not as great to them as it is to us as they have controlled the exposure by the sanitization process. Although they do not have a formal agreement on advance notice by the HSCA, on proposed public

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use of information, they expect about a five-day lead time for comment; their first experience, in preparation for the current hearings, is that they may get even more, having received six days advance notice on a small package of paper. They do not, however, have anything approaching even an understanding with the Committee on how the public hearings will be conducted.



S. D. Breckinridge

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